

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

**MARK WALTERS,
Plaintiff,**

v.

**LASALLE CORRECTIONS V, LLC,
Defendant.**

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EP-22-CV-00272-KC-ATB

ORDER FOR DEFENDANT TO PROVIDE SUPPLEMENTAL INFORMATION

On this day, the Court *sua sponte* considered the status of the above-styled and numbered cause. For the following reasons, the Court orders Defendant to provide a list of expenses incurred in this case and a related case.

On August 10, 2022, Plaintiff initiated this lawsuit. *See* Mot. Proceed IFP, ECF No. 1. Less than two weeks earlier, the Court entered final judgment dismissing a case brought by Plaintiff against Defendant and several other individuals, making substantially the same allegations as he does in this matter. *See Walters v. LaSalle Corrections* (“Walters II”), No. 3:22-cv-35-KC-ATB, Final Judgment, ECF No. 57 (W.D. Tex. July 28, 2022).

In both this case and in *Walters II*, Plaintiff failed to inform the Court that he was subject to an anti-suit injunction issued by another Judge in this District.¹ Specifically, on September 30, 2019, Plaintiff was “enjoined from filing a civil suit in the Western District of Texas unless he first obtains permission to file such a suit from a judge of this court.” *Walters v. Tenant Background Search* (“Walters I”), No. 1:16-cv-1092-DAE-AWA, Order, ECF No. 57 (W.D. Tex. Sept. 30, 2019).

¹ It also appears that Plaintiff failed to inform the Court of the anti-suit injunction in at least one other case currently pending before a different Judge in this Division. *See Walters v. Lasall Corrections* (“Walters III”), No. 3:21-cv-300-DCG-MAT (W.D. Tex. June 1, 2022).

The Court was only made aware of this injunction when, on September 14, 2022, Defendant filed an Unopposed Motion to Stay Case Due to Prior Anti-Suit Injunction in Western District (“Motion to Stay”), ECF No. 19, in this case. The Court granted the Motion to Stay and ordered Plaintiff to comply with the requirement ordered in *Walters I* that he seek leave of Court prior to continuing this litigation. Sept. 15, 2022, Order, ECF No. 20.

Plaintiff then filed an Advisory to the Court, ECF No. 22, in which he requested permission to proceed with this lawsuit. There, Plaintiff claimed that he was only “recently made aware” of the *Walters I* anti-suit injunction. But this assertion does not hold water. Plaintiff did not only receive the *Walters I* order, he also appealed it, specifically arguing that the anti-suit injunction would infringe upon his constitutional right of access to the courts. *See Walters v. Tenant Background Search*, No. 19-50730, 2021 WL 961084 (5th Cir. Mar. 12, 2021). The Fifth Circuit rejected Plaintiff’s argument and further noted that Plaintiff had engaged in vexatious conduct in previous litigation. *Id.*

Due to Plaintiff’s repeated failure to comply with the *Walters I* anti-suit injunction and his troubling lack of candor with the Court, the imposition of financial sanctions may be warranted. *See Gelabert v. Lynaugh*, 894 F.2d 746, 748 (5th Cir. 1990). The Court takes the issue of sanctions under advisement, while its review of Plaintiff’s belated request to proceed in this matter is also pending. The Court’s decision of whether and to what extent financial sanctions should be imposed will be informed by the degree to which Plaintiff’s actions have burdened the Defendants in this case and in *Walters II*.

Accordingly, the Court **ORDERS** that, **on or before October 7, 2022**, Defendant shall **FILE** a brief, containing the following information:

- An itemization of all costs and attorneys' fees incurred by Defendant and the other named defendants in *Walters II*.
- An itemization of the costs and attorneys' fees incurred in this matter, only insofar as they pertained to the efforts spent to discover the *Walters I* anti-suit injunction and apprise the Court of the same.

SO ORDERED.

SIGNED and **ENTERED** this 22nd day of September, 2022.

A handwritten signature in black ink, appearing to read 'ATB', written over a horizontal line.

ANNE T. BERTON
UNITED STATES MAGISTRATE JUDGE